

Part 3 – Section 2 – Cabinet Procedure Rules

1 HOW THE EXECUTIVE OPERATES

Who May Make Executive Decisions

1.1 The [Leader](#) may discharge any [executive functions](#) of the Council or ~~they~~[he/she](#) may provide for any executive functions to be discharged by:

- 1.1.1 the [Cabinet](#) as a whole;
- 1.1.2 a committee of the Cabinet;
- 1.1.3 an individual [Cabinet member](#);
- 1.1.4 an officer of the authority;
- 1.1.5 a [Locality Board](#);
- 1.1.6 joint arrangements; or
- 1.1.7 another local authority.

Appointments and Delegation by the Leader

1.2 At the Annual Meeting of the Full Council, the Leader will present the names of the Councillors appointed to the Cabinet by the Leader (including the Cabinet member who is appointed as the Deputy Leader) and their [portfolios](#).

1.3 Either at the Annual Meeting of the Full Council or as soon as practicable thereafter, the Leader will present to the [Monitoring Officer](#) a written record of:

- 1.3.1 the detailed remits of the portfolios of the Cabinet members;
- 1.3.2 any delegations made by the Leader in respect of the discharge of the Council's executive functions. The document presented by the Leader to the Monitoring Officer will contain the following information about the discharge of the Council's executive functions in relation to the coming year:
 - (a) the extent of authority of the Cabinet as a whole;
 - (b) the extent of any authority delegated to individual Cabinet members, including details of any limitation on their authority;
 - (c) the terms of reference and constitution of such committees of the Cabinet as the Leader appoints and the names of Cabinet members appointed to them;
 - (d) the nature and extent of any delegation of executive functions to any other authority or any joint arrangements and the names of those Cabinet members appointed to any joint committee for the coming year; and
 - (e) the nature and extent of any delegation of executive functions to Council officers with details of any limitation on that delegation, and the title of the officer to whom the delegation is made.

Sub-delegation of Cabinet Functions

- 1.4 Where the Leader delegates an executive function to the Cabinet then unless the Leader directs otherwise, the Cabinet may delegate further to a committee of the Cabinet or to a Council officer;
- 1.5 Where the Leader delegates an executive function to a committee of the Cabinet or an individual Cabinet member then unless the Leader directs otherwise, a committee of the Cabinet or an individual member of the Cabinet may delegate further to a Council officer;
- 1.6 Even where executive functions have been delegated as above, that fact does not prevent the discharge of delegated functions by the person or body who made the delegation; and
- 1.7 Where the Leader seeks to withdraw a delegation from a committee of the Cabinet, notice will be deemed to be served on that committee of the Cabinet when the Leader has served it on its Chairman.

The Scheme of Delegation and Executive Functions

- 1.8 The Leader may amend the [Officer Scheme of Delegation](#) set out in **Part 2** of this Constitution insofar as it relates to executive functions at any time during the year in accordance with the procedure set out below:
 - 1.8.1 Where the Leader wishes to delegate the discharge of an executive function that has not been previously delegated, the Leader must give written notice of the new delegation to both the person or body to whom the executive function is to be delegated and the Monitoring Officer.

The delegation of the executive function will take effect on receipt of the Leader's written notice by both of the parties listed above.
 - 1.8.2 Where the Leader wishes to transfer the discharge of an executive function that has been previously delegated the Leader must give written notice to the person or body from whom the exercise of the function is to be transferred, the person or body to whom the exercise of the executive function is to be transferred and the Monitoring Officer.

The transfer of the delegation of the executive function will take effect on receipt of the Leader's written notice by each of the parties listed above.
 - 1.8.3 Where the Leader wishes to withdraw the delegation of an executive function that has been delegated and to discharge the executive function personally, the Leader must give written notice to the person or body from whom the exercise of the executive function is to be withdrawn and to the Monitoring Officer.

The withdrawal of the delegation of an executive function will take effect on receipt of the Leader's written notice by both of the parties listed above.
- 1.9 The Monitoring Officer will ensure that the Constitution is updated accordingly where the delegation is to extend beyond six months and will report the new delegation to Full Council at the earliest opportunity.

Place and Time of Cabinet Meetings

- 1.10 The Cabinet will meet in accordance with the agreed published Calendar of Meetings. Arrangements for an additional extraordinary meeting required in light of circumstances will be agreed by the Leader with the Chief Executive. The Cabinet will meet at one of the Council's anchor buildings or at another location to be agreed by the Leader with the Chief Executive.

Public or Private Meetings of the Cabinet

- 1.11 The Cabinet will meet in public, subject to the consideration of exempt or confidential information as provided for in the Access to Information Procedure Rules.

Quorum

- 1.12 The quorum for a meeting of the Cabinet will be three. The quorum for a committee of the Cabinet will be three.

How are Decisions to be Taken by the Cabinet

- 1.13 The Cabinet will take decisions in accordance with the [Access to Information Procedure Rules](#).

Chairman of Meeting

- 1.14 If the Leader is present, they will chair the meeting. In their absence, the Deputy Leader will chair the meeting. In the absence of both, another Cabinet member appointed to do so by those Cabinet members present will chair the meeting.

Attendance Rights

- 1.15 All Cabinet members are entitled to attend meetings of the Cabinet unless the Cabinet determine otherwise. Attendance by other Councillors or the public will be in accordance with the Access to Information Procedure Rules, by invitation, or as set out in the section on Speaking Rights below.
- 1.16 The [Chief Executive](#), the Director of Resources ([Chief Finance](#) / [S151 Officer](#)) and the Monitoring Officer, and their nominees, are entitled to attend any meeting of the Cabinet where a decision is to be made.

Speaking Rights

- 1.17 The Chair and spokesperson of any of the Council's [Overview & Scrutiny Committees](#) or [Locality Boards](#) is entitled at any formal public meeting of the Cabinet, to speak on any matter referred to the Cabinet by that body.
- 1.18 Other Councillors, not previously described above, may also speak at such meetings with the permission of the Leader or person presiding in ~~their~~^{his/her} absence on any matter which affects their ward.
- 1.19 At every formal public meeting of the Cabinet there shall be a period of 20 minutes for questions to be put to Cabinet members by Councillors. Notice of these questions is not required in advance of the meeting. The following rules shall apply:
- 1.19.1 questions must relate to the powers, duties or responsibilities of the Cabinet.
 - 1.19.2 questions put to Cabinet members must relate to their portfolio responsibilities.
 - 1.19.3 the Leader will determine how Cabinet question time should be allocated where there are a number of Councillors wishing to ask questions.
 - 1.19.4 questions will be brief, clear and focussed.
 - 1.19.5 questions which the Leader deems to be:
 - (a) inappropriate, frivolous, derogatory or vexatious;
 - (b) will, if answered, disclose confidential or exempt information
 - (c) relates to a Council employment or staffing matter or is defamatory;

- (d) is lengthy or a speech; or
- (e) is an unintelligible question

will not be allowed.

- 1.20 Questions will not be allowed which repeat, or which are substantially the same as questions asked at a meeting of Full Council or Cabinet within the preceding 6 months.
- 1.21 Where any question might be disallowed under the agreed provisions, the Leader, as chairman of the Cabinet, will have absolute discretion to determine whether to do so.
- 1.22 Questions will be asked and answered without discussion. In replying, the Cabinet member responding will use their reasonable endeavours to address the matters raised in the question. The Cabinet member responding may reasonably decline to answer any question or may: reply direct, reply by reference to a publication, or reply by written answer.
- 1.23 Following each answer, the Leader may permit the questioner to ask a concise and focussed supplementary question which relates to the subject matter of the initial question and answer.
- 1.24 Where a question relates to a matter which appears on the agenda of the Cabinet meeting in question, the Leader may allow the question to be asked at the beginning of consideration of that item.
- 1.25 The Cabinet may invite any person to its meetings to discuss matters of mutual interest or concern or to advise. Such persons may only be given access to confidential and/or exempt information on terms to be decided by the Monitoring Officer so as to ensure that the Council's obligations ~~under the Local Government Acts~~ in respect of Access to Information and Data Protection are observed.

Public Speaking

- 1.26 Members of the public may present petitions and ask questions **and make statements** at formal meetings of the Cabinet in accordance with the arrangements set out at **Rule 9 and Rule 10** of the [Council Procedure Rules](#) **and in the Public Participation Scheme adopted by the Council**.

Business to be Conducted

- 1.27 At each meeting of the Cabinet the following business will be conducted:
 - 1.27.1 consideration of the minutes of the last meeting;
 - 1.27.2 declarations of interest, if any;
 - 1.27.3 statements by Cabinet Portfolio holders;
 - 1.27.4 matters referred to the Cabinet (whether by an [Overview & Scrutiny Committee](#) or by the Full Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Overview & Scrutiny ~~Standing Orders Procedure Rules~~ or the Budget and Policy Framework-~~Standing Orders Procedure Rules~~;
 - 1.27.5 consideration of any reports from an Overview & Scrutiny Committee; and
 - 1.27.6 matters set out in the agenda for the meeting, and which shall indicate which are key decisions and which are not.

Integrity of Decision Making

- 1.28 In taking decisions, the Cabinet must satisfy itself that it has before it adequate and appropriate advice and the Cabinet will take that advice into consideration in determining the matter. The advice will be from the relevant service, the Chief Executive, Monitoring Officer and/or the Director of Resources (s151/Chief Finance Officer) who shall, where appropriate, be present at any meeting where a decision is being taken.
- 1.29 Where there is any doubt about the legal basis for the decision, the procedure to be followed or the probity of the matter then advice must be obtained from the Monitoring Officer and the Director of Resources.

Consultation

- 1.30 All reports to the Cabinet from any Cabinet member or an officer on proposals relating to the [Budget and Policy Framework](#) must contain details of the nature and extent of consultation with stakeholders (if any) and the relevant Overview & Scrutiny Committee, and the outcome of that consultation.

Rights to Place Items on the Cabinet Agenda

- 1.31 The Leader will decide upon the schedule for the meetings of the Cabinet. They may put on the agenda of any Cabinet meeting any matter which they wish, whether or not authority has been delegated to the Cabinet, a committee of it or any member or officer in respect of that matter. The Chief Executive will comply with the Leader's requests in this respect.
- 1.32 Any Cabinet member may require the Chief Executive to make sure that an item is placed on the agenda of the next available meeting of the Cabinet for consideration. If ~~they~~~~he~~~~she~~ receives such a request the Chief Executive will comply.
- 1.33 There will be a standing item on the agenda of each meeting of the Cabinet for matters referred by the Full Council or an Overview & Scrutiny Committee for reconsideration and for reports of Overview & Scrutiny Committee.
- 1.34 The Monitoring Officer and/or the Director of Resources may include an item for consideration on the agenda of a Cabinet meeting and may require the Chief Executive to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the Chief Executive/ Head of Paid Service, Director of Resources and Monitoring Officer are of the opinion that a meeting of the Cabinet needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of a Cabinet meeting. If there is no meeting of the Cabinet soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.
- 1.35 The Agenda may be supported by additional papers prepared by officers or by or on behalf of other bodies, subject to requirements about disclosure of confidential or exempt information. Full agendas for meetings of the Cabinet will be made available, electronically, in advance of the respective meeting in accordance with the Council's current policy and the [Access to Information Procedure Rules](#).